

EXHIBIT 23

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 15 *Company of America, Inc.*

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19 IN RE CATHODE RAY TUBE (CRT)
 20 ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC
 MDL No. 1917

21 This Document Relates to:

22 *Sharp Electronics Corp, et al. v. Hitachi Ltd, et al.*

RESPONSE TO THOMSON SA'S
SECOND SET OF
INTERROGATORIES TO
PLAINTIFFS SHARP
ELECTRONICS CORPORATION
AND SHARP ELECTRONICS
MANUFACTURING COMPANY OF
AMERICA, INC.

25 **PROPOUNDING PARTY:** Defendant Thomson SA (n/k/a Technicolor SA)

26 **RESPONDING PARTIES:** Sharp Electronics Corporation and Sharp Electronics
 27 Manufacturing Company of America, Inc.

28 **SET NO:** Two

1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 33.1 of the
2 Local Civil Rules of the Northern District of California, Sharp Electronics Corporation (“SEC”)
3 and Sharp Electronics Manufacturing Company of America, Inc. (“SEMA”) (collectively,
4 “Sharp”) hereby respond to Defendant Thomson SA’s Second Set of Interrogatories dated
5 August 1, 2014 (the “Interrogatories”) as follows:

6 **GENERAL OBJECTIONS**

7 The following general objections (“General Objections”) are incorporated in Sharp’s
8 responses (“Responses”) to each and every interrogatory contained in the Interrogatories. No
9 Response to any interrogatory shall be deemed a waiver of Sharp’s General Objections.

10 1. Sharp objects to the Interrogatories and the instructions therein to the extent that they
11 seek to impose obligations on Sharp beyond those imposed by the Federal Rules of Civil
12 Procedure, the Local Civil Rules of the Northern District of California, or any applicable order of
13 the Court.

14 2. Sharp objects to the Interrogatories on the grounds that they are improperly being used as
15 a discovery device, are oppressive, unduly burdensome and violate the rule of proportionality
16 embodied in Federal Rule of Civil Procedure 26(b)(2)(C).

17 3. Sharp objects to the Interrogatories to the extent that they seek or call for information that
18 can equally or more readily, conveniently, and in a less burdensome fashion be obtained by
19 Defendant from public sources.

20 4. Sharp objects to the Interrogatories to the extent that they seek or call for information that
21 can equally or more readily, conveniently, and in a less burdensome fashion be obtained by
22 Defendant from others.

23 5. Sharp objects to the Interrogatories to the extent that they seek information that is neither
24 relevant to this litigation, nor reasonably calculated to lead to the discovery of admissible
25 evidence. Further, these Responses and Objections are without prejudice to, and not a waiver of,
26 Sharp’s right to contend at trial or otherwise in this action that such information is irrelevant,
27 immaterial, inadmissible, or not a proper basis for discovery, nor any objection by Sharp to any
28 future use of such information.

1 6. Sharp objects to the Interrogatories to the extent that they are unintelligible, vague,
2 ambiguous, overly broad, unduly burdensome, and oppressive.

3 7. Sharp objects to the Interrogatories to the extent that they seek or call for information not
4 in Sharp's possession, custody, or control.

5 8. Documents produced by Sharp in this litigation shall be deemed produced in response to
6 these Interrogatories, subject to the Responses and Objections contained herein. The burden of
7 identifying specific information or documents responsive to these Interrogatories from
8 documents produced in the course of this litigation is substantially the same for either party, and
9 Sharp is entitled to elect the option to produce business records pursuant to Rule 33(d) of the
10 Federal Rules of Civil Procedure.

11 9. Sharp objects to the Interrogatories to the extent that they seek or call for information or
12 documents protected from disclosure by the attorney-client privilege, the attorney work-product
13 doctrine, or any other privilege, protection, or immunity applicable under the governing law.
14 Any information disclosed pursuant to the Interrogatories will be disclosed without waiving, but
15 on the contrary reserving and intending to reserve, each of these privileges, protections, or
16 immunities. Any accidental disclosure of privileged information or material shall not be deemed
17 a waiver of the applicable privilege, protection, or immunity.

18 10. Sharp objects to the Interrogatories to the extent that they are duplicative and/or
19 cumulative, either internally of themselves or of discovery previously propounded to Sharp in
20 this matter. Each such Interrogatory violates Section XV, subsections D and E, of the Court's
21 "Order Re Discovery and Case Management Protocol," entered on April 3, 2012. Order Re:
22 Discovery and Case Management Protocol, *In re Cathode Ray Tube Antitrust Litigation*, Case
23 No. 07-cv-05944-SC, MDL No. 1917 (N.D. Cal. Apr. 3, 2012) (MDL Dkt. No. 1128).

24 11. Sharp objects to the Interrogatories, including the instructions and definitions, on the
25 grounds that Sharp will incur substantial expense in complying with them.

26 12. Sharp objects to the Interrogatories to the extent that they call for expert testimony and
27 states that Sharp will provide expert disclosures as provided by the Federal Rules of Civil
28 Procedure and the orders of the court.

1 13. Sharp objects to the Interrogatories to the extent that they call for speculation or call for a
2 conclusion on an issue of law.

3 14. Sharp objects to the Interrogatories to the extent they seek information about contentions
4 or call for all evidence or all information in support of allegations or contentions. Such
5 Interrogatories are premature, particularly insofar as Thomson SA has, to this point, refused to
6 produce a single document from France, the site of its headquarters. Sharp has not completed its
7 discovery and preparation in this matter, and its investigation of this case is ongoing. These
8 responses are being made after reasonable inquiry into the relevant facts, and are based only
9 upon the information and documentation that is presently known to Sharp. Further investigation
10 and discovery may result in the identification of additional information or contentions, and Sharp
11 reserves the right to supplement and modify its responses. Sharp's responses should not be
12 construed to prejudice its right to conduct further investigation in this case, or to limit Sharp's
13 use of any additional evidence that may be developed.

14 15. Sharp objects to, and expressly disclaims, any need or intent to prove any facts listed
15 herein as a prerequisite to proving its claims at trial.

16 16. Sharp reserves its right to try its case as it determines is best at trial. This includes by not
17 using facts or information stated herein or using facts or information in addition to those stated
18 therein.

19 17. Sharp's Responses will be subject to the Stipulated Protective Order entered in this action
20 (MDL Dkt. No. 306).

21 18. Sharp objects to the Interrogatories to the extent they contain any incidental or implied
22 admission of fact or law. Sharp's Responses to all or any part of any Interrogatory should not be
23 taken as an incidental or implied admission, agreement, or concurrence that: (i) Sharp accepts or
24 admits an express or implied assumption of fact set forth in or assumed by the Interrogatory; (ii)
25 Sharp accepts or admits any express or implied assumption of law set forth in or assumed by the
26 Interrogatory; (iii) Sharp has in its possession, custody or control documents or information
27 responsive to that Interrogatory; or (iv) documents or information responsive to that
28 Interrogatory exist.

1 19. Sharp reserves its right to object to and/or challenge any evidence on grounds of
2 competency, relevance, materiality, privilege, or admissibility at trial or at any hearing or
3 proceeding with respect to any admissions sought by the Interrogatories and all answers
4 Plaintiffs provide in response to these Interrogatories.

5 20. Sharp objects to the extent the Interrogatories misrepresent Sharp's allegations and the
6 opinions expressed by Sharp's expert(s) in this case.

7 21. Sharp objects to the definition of "You," "Your," and "Yourself" as overbroad, vague,
8 and not reasonably calculated to lead to the discovery of admissible evidence. In responding to
9 the Interrogatories directed to "You," "Your," or "Yourself" Sharp will respond for the Plaintiffs
10 SEC and SEMA and persons acting on their behalf.

11 22. Sharp objects to the definition of "Documents" as vague, ambiguous, and unreasonably
12 broad and, depending upon Defendant's meaning, potentially calling for a legal conclusion.
13 Sharp also objects to the definition of "Documents" to the extent that it calls for documents that
14 are subject to the attorney-client privilege, the work-product doctrine, other applicable privilege,
15 or are not in Sharp's possession, custody or control.

16 23. Sharp objects to the definition of "Identify" because it is overly broad, unduly
17 burdensome, and oppressive insofar as it requires that Sharp identify and locate numerous
18 individuals involved in thousands of discrete purchases made over the course of more than 12
19 years, dating back to 1995. Sharp also objects to the definition of "Identify" with respect to
20 identifying persons and identifying events or occurrences to the extent that it calls for
21 information beyond Sharp's possession, custody or control.

22 24. Sharp objects to the construction of "and" and "or" disjunctively or conjunctively as
23 vague, ambiguous, and confusing, and likely to create multiple, contradictory meanings from the
24 same language. Sharp uses "and" and "or" according to their ordinary meanings.

25 25. Sharp objects to Definition No. 10 because it is vague, ambiguous, and confusing and
26 likely to create multiple, contradictory meanings from the same language. Sharp uses singular
27 and plural pronouns according to their ordinary meanings.
28

26. Sharp objects to Definition No. 11 because it is vague, ambiguous, and confusing and likely to create multiple, contradictory meanings from the same language. Sharp uses the present and past tenses according to their ordinary meanings.

27. Sharp objects to the construction of “any” to include “all” and vice versa as vague, ambiguous, and confusing, and likely to create multiple, contradictory meanings from the same language. Sharp further objects to the definition of “any” as not reasonably limited in scope or time. Sharp uses “any” and “all” according to their ordinary meanings.

RESPONSES TO INTERROGATORIES

Interrogatory No. 1:

If You contend that the statute of limitations on the claims in Your Complaint were tolled under any tolling agreement between Thomson SA, Thomson Consumer Electronics, Inc. (n/k/a Technicolor USA, Inc.) (“Thomson Consumer”), and the Direct Purchaser Plaintiffs in Case No. 3:07-cv-5944, MDL No. 1917, describe in detail and in narrative form (including by Identifying each Document, Person, or other evidentiary source that You rely upon) the factual basis for your contention, including:

- a. The dates on which You contend tolling began and ended;
- b. Any period during which You contend You were a member of the putative Direct Purchaser Plaintiff Class (the “Class”); and
- c. Any communications with counsel for the Class, Defendants, or alleged Conspirators regarding your intention to opt out of the Class with regard to any settlement or litigation Class involving any Defendant or alleged Conspirator.

Response to Interrogatory No. 1:

Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp also objects to this Interrogatory to the extent that it calls for information that is already in the possession, custody, or control of Defendants, or that can equally or more readily, conveniently, and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this Interrogatory on the grounds that it calls for legal argument or legal conclusions. Sharp further states that it has not completed its discovery and preparation in this matter and that its investigation of the case is ongoing, and Sharp reserves its right to supplement or amend its response to this Interrogatory consistent with Federal Rule of Civil Procedure 26(e).

Subject to and without waiving the foregoing objections, Sharp states that the claims in its complaint were tolled for a number of reasons, including those set forth in Sharp’s

- Samsung SDI Defendants' Responses to Direct Action Plaintiffs' First Set of Interrogatories (May 12, 2010);
- Samsung SDI Defendants' Supplemental Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories Nos. 4 and 5 (October 17, 2011);
- Samsung SDI Defendants' Second Supplemental to Direct Purchaser Plaintiffs' First Set of Interrogatories Nos. 4 and 5 (November 25, 2013);
- Samsung SDI Co., Ltd.'s Responses to Dell Plaintiffs' First Set of Interrogatories (November 25, 2013);
- Samsung SDI Co., Ltd.'s Responses to Dell Plaintiffs' First Set of Requests for Admission (November 25, 2013);
- Toshiba America Electronic Components, Inc.'s Supplemental Objections and Responses to Interrogatory Nos. 4 and 5 of Direct Purchaser Plaintiffs' First Set of Interrogatories (February 10, 2012);
- Toshiba Corporation's Supplemental Objections and Responses to Interrogatory Nos. 4 and 5 of Direct Purchaser Plaintiffs' First Set of Interrogatories (February 10, 2012);
- Sharp's Responses to Thomson SA and Thomson Consumer's First Set of Interrogatories, Nos. 2 & 8 (July 10, 2014); and
- Sharp's Objections and Responses to MT Picture Display Co., Ltd. and LG Electronics USA, Inc.'s Second Set of Interrogatories, Nos. 16 & 17 and Exhibit A to those responses (July 28, 2014).

Interrogatory No. 5:

Separately Identify each meeting or communication with a competitor or competitors, including the Thomson SA employee(s) associated with each meeting or communication, in which You contend Thomson SA participated between 1995 and 2005, as alleged in paragraph 196 of the Complaint, including but not limited to the meetings alleged in paragraphs 196 and 197.

Response to Interrogatory No. 5:

Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp also objects to this Interrogatory to the extent that it calls for information that is already in the possession, custody, or control of Defendants, or that can equally or more readily, conveniently,

1 and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this
2 Interrogatory on the grounds that it is premature, and that it seeks to impose an undue burden on
3 Sharp to state its entire case on an incomplete record and review and analyze all information
4 obtained in discovery thus far at this stage of this litigation, particularly insofar as Thomson SA
5 has, to this point, refused to produce a single document from France, the site of its headquarters.
6 Sharp further objects to this Interrogatory on the grounds that it calls for legal argument or legal
7 conclusions. Sharp objects that this Interrogatory improperly requires Sharp to marshal all
8 evidence in support of its case in response to written discovery, but particularly while discovery
9 is ongoing and in advance of the applicable deadlines set by the Court for disclosure of pretrial
10 information. Moreover, the documentary record is necessarily incomplete because Defendants
11 and co-conspirators concealed the conspiracy by various means and methods, including
12 concealing the existence and nature of their conspiratorial activities and issuing regular
13 instructions to destroy documents relating to the conspiratorial activities. Sharp further objects
14 to the Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly
15 burdensome, and oppressive, and on the grounds that it is cumulative and duplicative of other
16 discovery propounded in this case. Sharp also objects to this Interrogatory on the grounds that it
17 seeks, in contravention to well-established legal principles, to dismember the overall conspiracy
18 to focus on its separate parts, instead of looking at it as a whole. *See Continental Ore Co. v.*
19 *Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l Air*
20 *Trans. Assoc.*, 620 F.2d 1360-1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226 U.S.
21 525, 544 (1913)). All conspirators are jointly liable for the acts of their co-conspirators and the
22 action of any of the conspirators in furtherance of the conspiracy is, in law, the action of all. *Id.*
23 Moreover, Sharp contends that information exchanges between Defendants and co-conspirators
24 affected prices and thus constitute an antitrust violation under the rule of reason, even in the
25 absence of an express agreement to fix prices. Sharp further objects to the extent this
26 Interrogatory calls for expert testimony. Sharp also objects to the extent that this Interrogatory
27 calls for information that is covered by attorney-client privilege or the work product protection.
28 Sharp further states that it has not completed its discovery and preparation in this matter and that

1 its investigation of the case is ongoing, and Sharp reserves its right to supplement or amend its
2 response to this Interrogatory consistent with Federal Rule of Civil Procedure 26(e).

3 Subject to and without waiving the foregoing objections, Sharp states that the response to
4 this Interrogatory may include the transactional data and documents produced by Defendants, co-
5 conspirators, and third parties in MDL No. 1917. The burden of identifying specific documents
6 responsive to this Interrogatory from review of the documents and data identified in this response
7 is substantially the same for either Sharp or Thomson SA.

8 Sharp further states that information responsive to this Interrogatory is contained in the
9 following, which are incorporated here by reference:

- 10 • Exhibit A to these Responses;
- 11 • Exhibit B to these Responses;
- 12 • The public filings and other evidence described in Sharp's Second Amended Complaint;
- 13 • The transcript of and exhibits introduced during the deposition of James P. Hanrahan,
14 August 27, 2014;
- 15 • The transcript of and exhibits introduced during the deposition of Jacquelyn Taylor-
16 Boggs, August 29, 2014;
- 17 • The transcript of and exhibits introduced during the deposition of Alex Hepburn,
18 September 3, 2014;
- 19 • The transcript of and exhibits introduced during the deposition of Jack Brunk, September
20 5, 2014;
- 21 • The transcript of and exhibits introduced during the deposition of Shinichi Iwamoto,
22 February 7-8, 2013;
- 23 • The transcript of and exhibits introduced during the deposition of Masaki Sanogawaya,
24 July 31, 2013;
- 25 • The transcript of and exhibits introduced during the deposition of Nobuaki Ito, May 22-
26 24, 2013;
- 27 • The transcript of and exhibits introduced during the deposition of Patrick Canavan,
28 January 30-31, 2014;

- 1 • The transcript of and exhibits introduced during the deposition of Robert O'Brien, March
- 2 20-21, 2014;
- 3 • The transcript of and exhibits introduced during the deposition of Jae In Lee, July 24-26,
- 4 2013;
- 5 • The transcript of and exhibits introduced during the deposition of Michael Son, February
- 6 5-6, 2013;
- 7 • The transcript of and exhibits introduced during the deposition of Woong Rae Kim, July
- 8 1-3, 2014;
- 9 • the expert report of Dr. Jerry A. Hausman dated April 15, 2014 and accompanying
- 10 materials;
- 11 • Hitachi Displays, Ltd.'s Supplemental Response to Direct Purchaser Plaintiffs' First Set
- 12 of Interrogatories, No. 5 (February 10, 2012);
- 13 • Hitachi Displays, Ltd.'s (n/k/a Japan Display Inc.) Second Supplemental Response to
- 14 Direct Purchaser Plaintiffs' First Set of Interrogatories, Interrogatory No. 5 (April 12,
- 15 2013);
- 16 • Hitachi Electronic Devices (USA), Inc.'s Supplemental Response to Direct Purchaser
- 17 Plaintiffs' First Set of Interrogatories, Interrogatory No. 5 (February 10, 2012);
- 18 • Hitachi Electronic Devices (USA), Inc.'s Second Supplemental Response to Direct
- 19 Purchaser Plaintiffs' First Set of Interrogatories, Interrogatory No. 5 (April 26, 2013);
- 20 • Koninklijke Philips Electronics N.V.'s Responses and Objections to Direct Purchaser
- 21 Plaintiffs' First Set of Interrogatories Nos. 4 and 5 (March 21, 2012);
- 22 • Koninklijke Philips Electronics N.V. and Philips Electronics North America Corporation
- 23 Responses and Objections to Direct Purchaser Plaintiffs' First Set of Interrogatories Nos.
- 24 4 and 5 (July 18, 2012);
- 25 • LG Electronics, Inc.'s Supplemental Responses to Direct Purchaser Plaintiffs' First Set of
- 26 Interrogatories, Interrogatories Nos. 4 and 5 (Feb. 10, 2012);
- 27 • LG Electronics, Inc.'s Second Supplemental Responses to Direct Purchaser Plaintiffs'
- 28 First Set of Interrogatories, Interrogatories Nos. 4 and 5;

- 1 • Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic
2 Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.) Second Supplemental
3 Responses and Objections to Direct Purchaser Plaintiffs' First Set of Interrogatories
4 (November 2, 2011);
- 5 • Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic
6 Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.) Third Supplemental
7 Responses and Objections to Direct Purchaser Plaintiffs' First Set of Interrogatories
8 (December 23, 2011);
- 9 • Philips' Supplemental Responses to Direct Purchaser Plaintiffs' First Set of
10 Interrogatories, Interrogatories Nos. 4 and 5 (March 21, 2012);
- 11 • Philips' Second Supplemental Responses to Direct Purchaser Plaintiffs' First Set of
12 Interrogatories, Interrogatories Nos. 4 and 5 (July 18, 2012);
- 13 • Samsung SDI Defendants' Responses to Direct Action Plaintiffs' First Set of
14 Interrogatories (May 12, 2010);
- 15 • Samsung SDI Defendants' Supplemental Responses to Direct Purchaser Plaintiffs' First
16 Set of Interrogatories Nos. 4 and 5 (October 17, 2011);
- 17 • Samsung SDI Defendants' Second Supplemental to Direct Purchaser Plaintiffs' First Set
18 of Interrogatories Nos. 4 and 5 (November 25, 2013);
- 19 • Samsung SDI Co., Ltd.'s Responses to Dell Plaintiffs' First Set of Interrogatories
20 (November 25, 2013);
- 21 • Samsung SDI Co., Ltd.'s Responses to Dell Plaintiffs' First Set of Requests for
22 Admission (November 25, 2013);
- 23 • Toshiba America Electronic Components, Inc.'s Supplemental Objections and Responses
24 to Interrogatory Nos. 4 and 5 of Direct Purchaser Plaintiffs' First Set of Interrogatories
25 (February 10, 2012);
- 26 • Toshiba Corporation's Supplemental Objections and Responses to Interrogatory Nos. 4
27 and 5 of Direct Purchaser Plaintiffs' First Set of Interrogatories (February 10, 2012);
28

- Sharp's Responses to Thomson SA and Thomson Consumer's First Set of Interrogatories, Nos. 2 & 8 (July 10, 2014); and
- Sharp's Objections and Responses to MT Picture Display Co., Ltd. and LG Electronics USA, Inc.'s Second Set of Interrogatories, Nos. 16 & 17 and Exhibit A to those responses (July 28, 2014).

Interrogatory No. 6:

Separately Identify each meeting or communication with a competitor or competitors, including the Thomson Consumer employee(s) associated with each meeting or communication, in which You contend Thomson Consumer participated between 1995 and 2005, as alleged in paragraph 197 of the Complaint, including but not limited to the meetings alleged in paragraphs 196 and 197.

Response to Interrogatory No. 6:

Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp also objects to this Interrogatory to the extent that it calls for information that is already in the possession, custody, or control of Defendants, or that can equally or more readily, conveniently, and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this Interrogatory on the grounds that it is premature, and that it seeks to impose an undue burden on Sharp to state its entire case on an incomplete record and review and analyze all information obtained in discovery thus far at this stage of this litigation, particularly insofar as Thomson SA has, to this point, refused to produce a single document from France, the site of its headquarters. Sharp further objects to this Interrogatory on the grounds that it calls for legal argument or legal conclusions. Sharp objects that this Interrogatory improperly requires Sharp to marshal all evidence in support of its case in response to written discovery, but particularly while discovery is ongoing and in advance of the applicable deadlines set by the Court for disclosure of pretrial information. Moreover, the documentary record is necessarily incomplete because Defendants and co-conspirators concealed the conspiracy by various means and methods, including concealing the existence and nature of their conspiratorial activities and issuing regular instructions to destroy documents relating to the conspiratorial activities. Sharp further objects to the Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and oppressive, and on the grounds that it is cumulative and duplicative of other

1 discovery propounded in this case. Sharp also objects to this Interrogatory on the grounds that it
2 seeks, in contravention to well-established legal principles, to dismember the overall conspiracy
3 to focus on its separate parts, instead of looking at it as a whole. *See Continental Ore Co. v.*
4 *Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l Air*
5 *Trans. Assoc.*, 620 F.2d 1360-1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226 U.S.
6 525, 544 (1913)). All conspirators are jointly liable for the acts of their co-conspirators and the
7 action of any of the conspirators in furtherance of the conspiracy is, in law, the action of all. *Id.*
8 Moreover, Sharp contends that information exchanges between Defendants and co-conspirators
9 affected prices and thus constitute an antitrust violation under the rule of reason, even in the
10 absence of an express agreement to fix prices. Sharp further objects to the extent this
11 Interrogatory calls for expert testimony. Sharp also objects to the extent that this Interrogatory
12 calls for information that is covered by attorney-client privilege or the work product protection.
13 Sharp further states that it has not completed its discovery and preparation in this matter and that
14 its investigation of the case is ongoing, and Sharp reserves its right to supplement or amend its
15 response to this Interrogatory consistent with Federal Rule of Civil Procedure 26(e).

16 Subject to and without waiving the foregoing objections, Sharp refers to its response to
17 Interrogatory No. 5.

18 **Interrogatory No. 7:**

19 Separately for each meeting or competitor communication that You Identified in response
20 to Interrogatory Nos. 5 and 6, Identify All evidence upon which You intend to rely to prove that
21 such a meeting or competitor communication resulted in an agreement to fix "target prices, floor
prices and prices ranges" for CRTs, as alleged in paragraph 253(b) of the Complaint, including:

- 22 a) All Persons with knowledge suggesting that an agreement to fix target prices,
23 floor prices and prices ranges for CRTs was reached;
- 24 b) The date of each meeting or competitor communication which You contend
25 resulted in an agreement to fix target prices, floor prices and prices ranges for
26 CRTs;
- 27 c) The location of each alleged meeting, if applicable;
- 28 d) The entities that you contend agreed to the target price, floor price or price
- e) The names of the individuals that You contend participated in each meeting or
competitor communication;

- 1 f) The date of the agreement;
- 2 g) The type (i.e., CDT or CPT) and model (flat, curved, ITC, bare) of CRT to which
- 3 the target price, floor price or price range applied;
- 4 h) The effective date(s) of the target price, floor price or price range;
- 5 i) The customer(s) to whom the target price, floor price or price range applied;
- 6 j) The geographic area to which the target price, floor price or price range applied;
- 7 and
- 8 k) All evidence upon which You intend to rely to prove such target price, floor price
- 9 or price range (including the Bates number of each Document and/or citation to
- 10 specific deposition testimony that You claim supports Your contention).

11 **Response to Interrogatory No. 7:**

12 Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp

13 also objects to this Interrogatory to the extent that it calls for information that is already in the

14 possession, custody, or control of Defendants, or that can equally or more readily, conveniently,

15 and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this

16 Interrogatory on the grounds that it is premature, and that it seeks to impose an undue burden on

17 Sharp to state its entire case on an incomplete record and review and analyze all information

18 obtained in discovery thus far at this stage of this litigation, particularly insofar as Thomson SA

19 has, to this point, refused to produce a single document from France, the site of its headquarters.

20 Sharp further objects to this Interrogatory on the grounds that it calls for legal argument or legal

21 conclusions. Sharp objects that this Interrogatory improperly requires Sharp to marshal all

22 evidence in support of its case in response to written discovery, but particularly while discovery

23 is ongoing and in advance of the applicable deadlines set by the Court for disclosure of pretrial

24 information. Moreover, the documentary record is necessarily incomplete because Defendants

25 and co-conspirators concealed the conspiracy by various means and methods, including

26 concealing the existence and nature of their conspiratorial activities and issuing regular

27 instructions to destroy documents relating to the conspiratorial activities. Sharp further objects

28 to the Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly

burdensome, and oppressive, and on the grounds that it is cumulative and duplicative of other

discovery propounded in this case. Sharp also objects to this Interrogatory on the grounds that it

1 seeks, in contravention to well-established legal principles, to dismember the overall conspiracy
2 to focus on its separate parts, instead of looking at it as a whole. *See Continental Ore Co. v.*
3 *Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l Air*
4 *Trans. Assoc.*, 620 F.2d 1360-1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226 U.S.
5 525, 544 (1913)). All conspirators are jointly liable for the acts of their co-conspirators and the
6 action of any of the conspirators in furtherance of the conspiracy is, in law, the action of all. *Id.*
7 Moreover, Sharp contends that information exchanges between Defendants and co-conspirators
8 affected prices and thus constitute an antitrust violation under the rule of reason, even in the
9 absence of an express agreement to fix prices. Sharp further objects to the extent this
10 Interrogatory calls for expert testimony. Sharp also objects to the extent that this Interrogatory
11 calls for information that is covered by attorney-client privilege or the work product protection.
12 Sharp further states that it has not completed its discovery and preparation in this matter and that
13 its investigation of the case is ongoing, and Sharp reserves its right to supplement or amend its
14 response to this Interrogatory consistent with Federal Rule of Civil Procedure 26(e).

15 Subject to and without waiving the foregoing objections, Sharp refers to its
16 response to Interrogatory No. 5.

17 **Interrogatory No. 8:**

18 Separately for each meeting or competitor communication that You Identified in response
19 to Interrogatory Nos. 5 and 6, Identify all Evidence upon which You intend to rely to prove that
20 such a meeting or competitor communication resulted in an agreement to maintain or lower
production capacity for CRTs, as alleged in paragraph 253(g) of the Complaint, including:

- 21 a) All persons with knowledge suggesting that an agreement to maintain or lower
22 production capacity for CRTs was reached;
- 23 b) The date of each meeting or competitor communication which You contend
24 resulted in an agreement to maintain or lower production capacity for CRTs;
- 25 c) The location of each alleged meeting, if applicable;
- 26 d) The entities who you contend agreed to maintain or lower production capacity for
27 CRTs;
- 28 e) The names of the individuals that You contend participated in each meeting or
competitor communication;
- f) The date of the agreement;

- 1 g) The type (i.e., CDT or CPT) and model (flat, curved, ITC, bare) of CRT to which
2 the agreement applied;
- 3 h) The effective date(s) of the agreement to maintain or lower production capacity
4 for CRTs;
- 5 i) The geographic area to which the agreement to maintain or lower production
6 capacity for CRTs applied; and
- 7 j) All evidence upon which You intend to rely to prove that an agreement to
8 maintain or lower production capacity for CRTs was reached (including the Bates
9 number of each Document and/or citation to specific deposition testimony that
10 You claim supports Your contention).

11 **Response to Interrogatory No. 8:**

12 Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp
13 also objects to this Interrogatory to the extent that it calls for information that is already in the
14 possession, custody, or control of Defendants, or that can equally or more readily, conveniently,
15 and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this
16 Interrogatory on the grounds that it is premature, and that it seeks to impose an undue burden on
17 Sharp to state its entire case on an incomplete record and review and analyze all information
18 obtained in discovery thus far at this stage of this litigation, particularly insofar as Thomson SA
19 has, to this point, refused to produce a single document from France, the site of its headquarters.
20 Sharp further objects to this Interrogatory on the grounds that it calls for legal argument or legal
21 conclusions. Sharp objects that this Interrogatory improperly requires Sharp to marshal all
22 evidence in support of its case in response to written discovery, but particularly while discovery
23 is ongoing and in advance of the applicable deadlines set by the Court for disclosure of pretrial
24 information. Moreover, the documentary record is necessarily incomplete because Defendants
25 and co-conspirators concealed the conspiracy by various means and methods, including
26 concealing the existence and nature of their conspiratorial activities and issuing regular
27 instructions to destroy documents relating to the conspiratorial activities. Sharp further objects
28 to the Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly
burdensome, and oppressive, and on the grounds that it is cumulative and duplicative of other
discovery propounded in this case. Sharp also objects to this Interrogatory on the grounds that it
seeks, in contravention to well-established legal principles, to dismember the overall conspiracy

1 to focus on its separate parts, instead of looking at it as a whole. *See Continental Ore Co. v.*
2 *Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l Air*
3 *Trans. Assoc.*, 620 F.2d 1360-1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226 U.S.
4 525, 544 (1913)). All conspirators are jointly liable for the acts of their co-conspirators and the
5 action of any of the conspirators in furtherance of the conspiracy is, in law, the action of all. *Id.*
6 Moreover, Sharp contends that information exchanges between Defendants and co-conspirators
7 affected prices and thus constitute an antitrust violation under the rule of reason, even in the
8 absence of an express agreement to fix prices. Sharp further objects to the extent this
9 Interrogatory calls for expert testimony. Sharp also objects to the extent that this Interrogatory
10 calls for information that is covered by attorney-client privilege or the work product protection.
11 Sharp further states that it has not completed its discovery and preparation in this matter and that
12 its investigation of the case is ongoing, and Sharp reserves its right to supplement or amend its
13 response to this Interrogatory consistent with Federal Rule of Civil Procedure 26(e).

14 Subject to and without waiving the foregoing objections, Sharp refers to its
15 response to Interrogatory No. 5.

16 **Interrogatory No. 9:**

17 Separately for each meeting or competitor communication that You Identified in response
18 to Interrogatory Nos. 5 and 6, Identify all Evidence upon which You intend to rely to prove that
19 such a meeting or competitor communication resulted in an agreement to allocate either overall
20 market shares or share of a particular customer's purchases, as alleged in paragraph 173(i) of the
Complaint, including:

- 21 a) All persons with knowledge suggesting that an agreement to allocate either
overall market share or share of a particular customer's purchases;
- 22 b) The date of each meeting or competitor communication which You contend
23 resulted in an agreement to allocate either overall market share or share of a
particular customer's purchases;
- 24 c) The location of each alleged meeting, if applicable;
- 25 d) The entities who you contend agreed to allocate either overall market share or
26 share of a particular customer's purchases;
- 27 e) The names of the individuals that You contend participated in each meeting or
competitor communication;
- 28 f) The date of the agreement;

- 1 g) The type (i.e., CDT or CPT) and model (flat, curved, ITC, bare) of CRT to which
2 the agreement applied;
- 3 h) The effective date(s) of the agreement to allocate either overall market share or
4 share of a particular customer's purchases;
- 5 i) The geographic area to which the agreement to allocate either overall market
6 share or share of a particular customer's purchases; and
- 7 j) All evidence upon which You intend to rely to prove that an agreement to allocate
8 either overall market share or share of a particular customer's purchases was
9 reached (including the Bates number of each Document and/or citation to specific
10 deposition testimony that You claim supports Your contention).

11 **Response to Interrogatory No. 9:**

12 Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp
13 also objects to this Interrogatory to the extent that it calls for information that is already in the
14 possession, custody, or control of Defendants, or that can equally or more readily, conveniently,
15 and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this
16 Interrogatory on the grounds that it is premature, and that it seeks to impose an undue burden on
17 Sharp to state its entire case on an incomplete record and review and analyze all information
18 obtained in discovery thus far at this stage of this litigation, particularly insofar as Thomson SA
19 has, to this point, refused to produce a single document from France, the site of its headquarters.
20 Sharp further objects to this Interrogatory on the grounds that it calls for legal argument or legal
21 conclusions. Sharp objects that this Interrogatory improperly requires Sharp to marshal all
22 evidence in support of its case in response to written discovery, but particularly while discovery
23 is ongoing and in advance of the applicable deadlines set by the Court for disclosure of pretrial
24 information. Moreover, the documentary record is necessarily incomplete because Defendants
25 and co-conspirators concealed the conspiracy by various means and methods, including
26 concealing the existence and nature of their conspiratorial activities and issuing regular
27 instructions to destroy documents relating to the conspiratorial activities. Sharp further objects
28 to the Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly
 burdensome, and oppressive, and on the grounds that it is cumulative and duplicative of other
 discovery propounded in this case. Sharp also objects to this Interrogatory on the grounds that it
 seeks, in contravention to well-established legal principles, to dismember the overall conspiracy

1 to focus on its separate parts, instead of looking at it as a whole. *See Continental Ore Co. v.*
2 *Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l Air*
3 *Trans. Assoc.*, 620 F.2d 1360-1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226 U.S.
4 525, 544 (1913)). All conspirators are jointly liable for the acts of their co-conspirators and the
5 action of any of the conspirators in furtherance of the conspiracy is, in law, the action of all. *Id.*
6 Moreover, Sharp contends that information exchanges between Defendants and co-conspirators
7 affected prices and thus constitute an antitrust violation under the rule of reason, even in the
8 absence of an express agreement to fix prices. Sharp further objects to the extent this
9 Interrogatory calls for expert testimony. Sharp also objects to the extent that this Interrogatory
10 calls for information that is covered by attorney-client privilege or the work product protection.
11 Sharp further states that it has not completed its discovery and preparation in this matter and that
12 its investigation of the case is ongoing, and Sharp reserves its right to supplement or amend its
13 response to this Interrogatory consistent with Federal Rule of Civil Procedure 26(e).

14 Subject to and without waiving the foregoing objections, Sharp refers to its response to
15 Interrogatory No. 5.
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